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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,080	12/22/1999	SRIRAMM R. VANGAL	884.200US1	5754

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/470,080

Applicant(s)

VANGAL ET AL.

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 14-22, 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-3, 12, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Volk et al. (U.S. Patent No. 6,166,563)

The applied reference has a common --assignee-- with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claim 24, Volk et al. discloses the legged driver (Fig. 2 and respective portions of the specification), comprising:

a plurality of driver legs (Fig. 2 ref. sign 210), the driver legs sequentially (here it is understood that the legs are being enabled by following a certain order, col. 2 lines 54

- col. 3 line 24) enableable by set of external enable signals (output data, col. 3 lines 4-17) to provide multiple driver strengths (here it is understood that the fact that the drivers are programmable represents multiple driver strengths, col. 2 lines 54 - col. 3 line 24), wherein each of the plurality of legs is identical (Fig. 2 ref. sign 210).

Referring to claim 25, Volk et al. discloses a legged driver (Fig. 2 and respective portions of the specification), comprising:

a plurality of driver legs (Fig. 2 ref. sign 210), the driver legs sequentially (here it is understood that the legs are being enabled by following a certain order, col. 2 lines 54 - col. 3 line 24) enableable by a set of external enable signals (output data, col. 3 lines 4-17) to provide multiple driver strengths (here it is understood that the fact that the drivers are programmable represents multiple driver strengths, col. 2 lines 54 - col. 3 line 24), wherein each of the plurality of legs has a different strength (binary relationship, col. 2 lines 51-55).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diepstraten et al.

Referring to claim 1, Diepstraten et al. discloses a current location identification (Fig. 4, ref. sign 86), a destination location identification (Fig. 4, ref. sign 84), a distance between the current location and the destination location (col. 2 lines 53-57 and col. 2 line 66-col. 3 line 3), enabling a driver strength according to the determined distance (col. 1 lines 47-50 and col. 2 lines 53-63), but does not explicitly disclose a method for driver selection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a method for driver selection to the invention of Diepstraten et al. because anything that adjusts the power level of information packets used for transmissions between stations, as in Diepstraten et al., is a method for driving.

Referring to claim 2, Diepstraten et al. discloses determining a current location identification comprises interpreting hard-wired identification location bits of the driver (The Source Address (SA) is a hard-wired identification, col. 4 lines 1-13).

Referring to claim 3, Diepstraten et al. discloses determining a destination location identification comprises reading a plurality of destination location bits appended to a data packet (See (DA) col. 4 lines 1-13 and col. 4 lines 28-31).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burton et al. in view of Volk et al.

Referring to claim 12, Burton et al. discloses a method for forwarding packets in a driver (col. 14 lines 20-32), but fails to teach the driver being a legged driver comprising: enabling sufficient legs in the driver to power a transfer of a packet from an input location to an output destination. Volk et al. discloses a driver with enabling legs

in (col. 2 lines 51-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Volk et al. to the invention of Burton et al. so that the proper output data can be supplied to the logic section as in Volk et al.

### ***Response to Arguments***

4. Applicant's arguments filed 3/18/2004 have been fully considered but they are not persuasive. Applicant argued that Volk et al. does not teach that the legs of (Fig. 2 ref. sign 210) are identical. However, one skilled in the art would recognize that there are three reference signs labeled 210 in Fig. 2. The legs can be identical in more than just there programmability. Furthermore, in one embodiment the anchor leg is not used (col. 2 lines 60-64), therefore making the remaining legs "identical".

Applicant argued that Volk et al. does not necessarily follow that each of the legs have a different strength. However, resistance is a force that tends to oppose or retard motion. One skilled in the art would recognize that in order to have a force you have to have a strength. Furthermore, a binary relationship is a relationship that is characterized by or consisting of two different parts or components.

Applicant argued that Diepstraten et al. does not disclose, teach or suggest "enabling a driver strength according to the determined distance" as claimed in claim 1. However one skilled in the art would recognize that the strength/power level that is dynamically adjusted in Diepstraten et al. is dependent of the distance between the stations. Applicant argued that Diepstraten et al. did not show that the "signal path" is the determined distance between the current location and the destination location, nor

did Diepstraten et al. show the "receive signal" enabling driver strength. However, one skilled in the art would recognize that the (signal path, col. 1 line 50) is the determined distance between the current location and the destination location because the current location and destination locations are the stations. Furthermore, the strength of the "receive signal" is a function of the transmit level used to enable the driver strength (col. 2 line 50 – col. 3 line 7).

5. Referring to claim 12, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Burton et al. and Volk et al. both disclose communication of data over a transmission line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Volk et al. to the invention of Burton et al. so that the proper output data can be supplied to the logic section as in Volk et al.

***Allowable Subject Matter***

6. Claims 7-11, 14-22, 26 and 27 are allowed.

Claims 4-6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.A.F.

Jamal A. Fox



WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600